

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re ATM FEE ANTITRUST LITIGATION

Case No. C 04 2676 CRB

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING MODIFICATION
OF BRIEFING SCHEDULE AND PAGE
LIMITS FOR DEFENDANTS' MOTIONS
FOR SUMMARY JUDGMENT ON
PLAINTIFFS' PER SE CLAIM**

Relates to All Actions

STIPULATION AND ORDER

The parties respectfully request that the following order be entered to modify the briefing schedule and page limitations with regard to Defendants' outstanding Motions for Summary Judgment on Plaintiffs' Per Se Claims in this litigation.

WHEREAS the Bank Defendants were granted leave to file a brief of thirty-five (35) pages in length, which combined with Concord EFS Inc.'s twenty-five (25) page limit permits a total of sixty (60) pages of briefing in support of Defendants' Motions for Summary Judgment;

WHEREAS, Plaintiffs wish to file one substantive response of up to sixty (60) pages in length in response to these two outstanding Motions for Summary Judgment on Plaintiffs' Per Se Claims;

WHEREAS, the previous briefing schedule for Defendants' Motions for Summary Judgment on Plaintiffs' Per Se Claims pursuant to Stipulation and Order of the Court, signed on September 21, 2007 set the following deadlines:

December 14, 2007: Deadline for Plaintiffs to file substantive responses to the outstanding summary judgment motions.

January 25, 2008: Deadline for Plaintiffs to produce their experts for deposition.

February 8, 2008: Deadline for Defendants to file their reply in support of their motions for summary judgment; and

February 29, 2008: Hearing date for Defendants' Motions for Summary Judgment on Plaintiffs' Per Se Claims.

WHEREAS, the previous hearing date of February 29, 2008 was moved to March 7, 2007 at 10:00 a.m. pursuant to Stipulation and Order of the Court, signed on October 26, 2007;

The parties by their undersigned counsel have agreed to the following new deadlines:

December 21, 2007: Deadline for Plaintiffs to file substantive responses to the outstanding summary judgment motions.

February 8, 2008: Deadline for Plaintiffs to produce their experts for deposition.

February 22, 2008: Deadline for Defendants to file their reply in support of their motions for summary judgment.

The parties respectfully request that the March 7, 2007 hearing date for Defendants' Motions for Summary Judgment on Plaintiffs' Per Se Claims remain the same.

The parties by their undersigned counsel have further agreed that Plaintiffs' brief in support of their Opposition to Defendants' outstanding motions for summary judgment may be up to sixty (60) pages in length.

IT IS SO STIPULATED.

Dated: December 11, 2007

Respectfully Submitted,

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 14, 2007

Charles R. Breyer
United States District Judge

